FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO.1804 OF 2005
IN
SECOND APPEAL NO.1110 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Rahul Motkari h/f Mr G.H.Keluskar, for the applicant.

Mr S.M.Railkar, for S.M.Mudbidri for respondent nos 1 and 4.

CORAM : D.B.BHOSALE,J.

DATED : 17th SEPT., 2007

P.C.:

Heard learned counsel for the parties.

By this civil application, the applicant has prayed for stay of operation and execution of the decree of partition dated 30.7.2002 passed by the trial court and confirmed by the appellate court vide order dated 9.3.2005. The ad-interim stay has already been granted by this court while admitting the appeal on 21.10.2005. Considering that the decree of partition is under challenge, I am satisfied that this civil application can be disposed of by the following order.

(a) It is open for the decree holders to initiate execution proceedings. If the execution proceedings are initiated, the executing authority to proceed with execution till the stage of handing over possession to the parties of their respective shares, however, shall not put the parties in possession thereof till disposal of the second appeal. The ad-interim stay granted earlier accordingly stands vacated and, as aforestated, there shall be stay of possession only.

(b) The civil application is disposed of.

(D.B.BHOSALE,J.)